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OIPE Express Mailing Label No. EL 996 741 995 US

PATENT APPLICATION

Docket No. 14113.21.1

OCT 2 8 2004 8

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
	Richard S. Ohran	)
Serial No.:	09/997,656	) Art Unit
Filed:	November 29, 2001	) 2114
Conf. No.:	7388	)
For:	DUAL CHANNEL RESTORATION OF DATA BETWEEN PRIMARY AND BACKUP SERVERS	)
Examiner:	Timothy M. Bonura	)
Customer No.:	022913	)

#### CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 28<sup>th</sup> day of October 2004.

- Transmittal Letter (3 pages) (in duplicate)
- Amendment "A" and Response (19 pages)
- Petition for an Extension of Time (2 pages) (in duplicate)
- PTO-2038 Credit Card Payment Form in the amount of \$394.00
- Postcard

Respectfully submitted,

CARL T. REED

Attorney for Applicant Registration No. 45,454

Customer No. 022913

Telephone No. 801.533.9800

CTR:dfw DFW0000012165V001

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### TRANSMITTAL FOR AMENDMENT "A" AND RESPONSE

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment "A" and Response for entry in the above-identified application.

1.27 has been established by a verified statement previously submitted.
 To secure the approval of the Examiner for proposed amendments to the drawings, enclosed are the following:
Letter to the Official Draftsperson;

Small entity status of this application under 37 C.F.R. § 1.9 and §



R. PARRISH FREEMAN, IR. PETER F. MALEN, JR. L. REX SEARS, Ph.D. WILLIAM R. RICHTER ERIC M. KAMERATH ROBERT E. AYCOCK JENS C. JENKINS KEVIN W. STINGER WILLIAM J. ATHAY MICHAEL B. DODD RYAN D. BENSON SARA D. JONES TIGE KELLER Janna L. Jensen MATTHEW D. TODD J. LaVar Oldham MICHAEL J. FRODSHAM JOSEPH L. KRUPA BRETT A. HANSEN BRETT I. JOHNSON MATTHEW A. BARLOW Wesley C. Rosander Andrew S. Hansen CHAD E. NYDEGGER IOSEPH G. PIA CLINTON E. DUKE DAVID J. LORENZ † RYAN N. FARR \* JAMES B. BELSHE

<sup>\*</sup> Admitted only in California

<sup>†</sup> Admitted only in New York

	Set of () sheets of drawings containing Figures including the proposed amendments therein; and
	A duplicate set of the () sheets of drawings with the changes therein highlighted in red.
<u>X</u>	To render the transmitted Amendment "A" timely filed enclosed is a Petition for a One-Month Extension of Time.
<u>X</u>	A Certificate of Express Mail Under 37 C.F.R. § 1.10.
	No other additional fee is required.

The fee has been calculated as follows:

<u>X</u>

			SMALL	ENTITY	LARGE	ENTITY
CLAIMS REMAINING AFTER	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDT'L FEE	RATE	ADDT'L FEE
TOTAL 29	MINUS 23	= 6	X 9		X 18	108
INDEPENDENT 6	MINUS 4	= 2	X 44	·	X 88	176
I <sup>st</sup> PRESENTATIO	N OF MULTIPLE	DEPENDENT	+=		+=	
			TOTAL		TOTAL	284

<u>X</u>	Form PTO-2038 submitting Credit Card Payment in the amount of \$394.00 is enclosed to cover the following:
	X the \$110.00 fee to cover the extension of time.
	X the \$284.00 fee to cover the new claims.
	Please charge my Deposit Account No. 23-3178 in the amount of
<u>X</u>	The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
	X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

X A duplicate copy of this transmittal letter is attached.

Dated this 28<sup>th</sup> day of October 2004.

Respectfully submitted,

CARL T. REED

Attorney for Applicant Registration No. 45,454

Customer No. 022913

Telephone No. 801.533.9800

CTR: dfw DFW0000012165V001